THE DAILY STAR
REGIONAL

LAW

Pakistan and Lebanon, the same struggle

By Hiram Chodosh and Chibli Mallat

The assassination last week of former Pakistani Prime Minister Benazir Bhutto was the latest tragic expression of a sour reality that characterizes the Middle East and its broader geopolitical orbit: In the absence of democracy (meaning regular change at the top by means of free and fair elections), political violence is a certainty.

There are similarities between the situation in Pakistan and Lebanon. The February 14, 2005, assassination of former Lebanese Prime Minister Rafik Hariri followed the forced extension of President Emile Lahoud's mandate in September 2004. In Pakistan, President Pervez Musharraf sought to extend his rule last summer. His main nemesis, Bhutto, was killed four months later. Politically speaking, neither murder was a coincidence.

The perpetuation of absolute rule is the main reason why the Middle East, the world's most dangerous and least stable region, despite its wealth and resources, has remained steeped in violence since the 1950s. Violence and lack of democracy are the twin traits of a blocked political process, which in turn is likely to engender violence.

In the absolute monarchies of the Gulf, Jordan and Morocco, a brother or son replaces the ruler. In "monarchical republics" (or jamlaka in Arabic, following novelist Elias Khoury's contraction of mamlaka, monarchy, and jumhuriyya, republic), rulers also actively seek to be replaced by their sons at death, as in the example of Syria in June 2000. The same misfortune has been unfolding in the republics of Yemen, Libya, and Egypt. Monarchies are, similarly, absolute and refuse dissent. Saudi Arabia, Qatar, Morocco, all reject any political challenges to their rulers.

Pakistan and Lebanon are crucial tests for the broader Middle East. In Beirut and Islamabad, where people have courageously stood up to the perpetuation of dictatorship, the devastating pattern of regime retaliation needs to be defeated. Musharraf has long overstayed his welcome, if he ever had one, as head of state. His maneuvers during the past two years have had a single objective: to remain in power. After imposing a state of emergency, he forced a kangaroo Supreme Court to confirm his election as president after arresting and dismissing judges and lawyers - notably the Supreme Court's chief justice who opposed Musharraf's bid to perpetuate his rule. Yet the president has retained the support of the West, which sees him as a bulwark against extreme Islamists.

In Lebanon, the pattern has been similar. In 1998, the army commander, Emile Lahoud, was elected president, after passage of a constitutional amendment allowing him to stand for office - one supported by Syria and even the United States. Syria and Lahoud again pushed through a constitutional amendment in 2004 to extend the president's term, in contravention to United Nations Security Council Resolution 1559. Citizens and parliamentarians opposed the move, violence followed, and since then the struggle has continued to elect a new president freely.

The Lebanese political process remains blocked. However, instead of backing an open election between candidates, Western states, particularly France and the US, have been calling for a constitutional amendment to permit the election of the army commander, General Michel Suleiman. This is effectively a nomination process, not a competitive election that is the basic hallmark of democracy. Such calls come at a time when those uncomfortable with true democracy in Lebanon, all allies of Damascus, have been preventing a normal election carried out by Parliament.

It is not enough for Musharraf to abandon his military fatigues and run for the presidency. It is not enough to call for free and fair presidential elections in Lebanon, as the UN has been doing since 2004. Specific measures need to be enacted to ensure that non-violent alternations of power happen democratically. This can only be done by reinforcing the levers to implement both individual and collective accountability.

A large group of human rights and democracy activists from Pakistan to Morocco presented a document to the Group of Eight meeting in New York in 2004. It stated that "dictatorship should no longer be considered a mere crime against society. It must now be considered as a crime against humanity." Democratic governments across the world are failing to respond to this request, by imposing sanctions against individuals who are hijacking democracy in Lebanon, Pakistan, and elsewhere. Now is the time for a coalition of democracies - a majority of countries in the world - to join together and advance a more activist democratic agenda.

What might these sanctions cover? Dictators and their entourage can be prevented from traveling abroad, and that includes for such things as shopping, medical treatment, and other amenities they usually deny their opponents. If agents of death don't relent, they should at least be made to feel the law closing in on them internationally. If the UN is incapable of respecting its own Charter, the largest possible coalition of democratic countries should allow dictators' victims to bring dictators to trial under international human rights law. The US and Europe could easily take the lead. Both places are where dictators and their families usually head.

If we are serious about preventing political violence in Pakistan, Lebanon and other countries, we need to fulfill our commitment to peace, justice and democracy. Although each case is different, the patterns of abuse are similar, and the common response is simple. If accountability is denied domestically by despots, it needs to be enforced internationally.

Hiram Chodosh **is dean of the law school at the University of Utah.** ***Chibli Mallat*****, a professor of law in Utah and Lebanon, is a candidate for the Lebanese presidency. They wrote this commentary for THE DAILY STAR.**